

ERA: ABC
11/26/96 lsb
#23135

AGREEMENT

Made this 5th day of November 1996, by and between New Bos, Inc. t/a Heart & Soul Cafe II, (the Applicant) and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Class "CR" license for premises, 424 8th Street SE, ABC Application #23135, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the subject premises are located within the ANC 6B area; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issuance of a Class "CT" Liquor License at the subject premises; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant herein certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

NOW, THEREFORE, the parties agree as follows:

1. In consideration of, and reliance upon, the representations reflected in the paragraphs above, the ANC hereby agrees not to oppose the Applicant's pending license application.

2. The parties further agree that any failure of Applicant to adhere to the foregoing representations would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: Michael Broad By: L-L Simon

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Herb Lehner T/A Heart and Soul Cafe
424- A 8th St. SE
Application No. 23135
Class Dr

VOLUNTARY SETTLEMENT AGREEMENT

This agreement is entered into between the undersigned neighboring residents and Herbert Lehner and Heart and Soul Cafe located at 424 - A 8th Street, S.E., Washington, DC. The purpose of this agreement is to resolve the concerns of the neighboring residents while permitting Heart and Soul Restaurant to conduct a lawful commercial enterprise - a restaurant.

Prior to reaching this agreement, a renewal application was filed by Herb Lehner on behalf of Heart and Soul Restaurant and protests were filed. In an attempt to resolve the outstanding concerns of the neighboring residents, the protests will be withdrawn, in exchange for the undesigned owners, heirs, assignees agreeing to the following conditions:

1. Under no circumstances will music or other sound be amplified or in any other way permitted to be heard outside the interior of the building except inadvertently for egress and ingress.

2. Access to the rear garden or patio area shall only be permitted by the patio door farthest from the main dining area. The patio door leading directly into the main dining area and bar shall remain closed at all times. A sign shall be placed on the patio door closest to the main dining room which shall state that the door shall remain closed at all times to respect our neighbors.

3. Under no circumstances shall a door to the rear garden be open except to permit contemporaneous egress or ingress to the rear garden to permit patrons or staff to enter or exit inside the restaurant.

4. Recorded background music shall be permitted at a low to moderate level with no sound being heard outside the interior of the building. Speakers shall be located within 15 feet from the front of the 8th Street entrance.

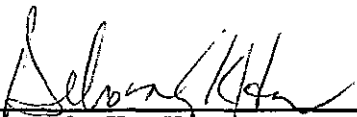
5. No live music shall be allowed on the premises unless an agreement is reached regarding sound acoustics that is agreeable and satisfactory to the protestants.

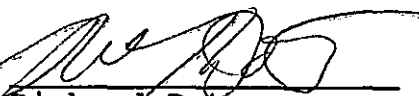
Application 23135 (Continued)

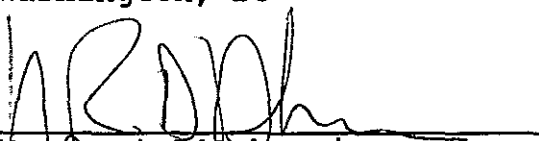
The restrictions pertaining to music being heard on the outside shall also apply to the music played by the cooking staff.

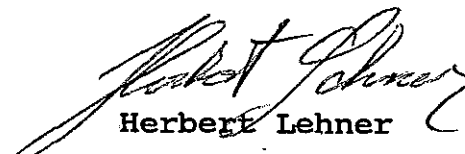
A failure to abide by any of the above conditions shall subject the owners, their heirs, or assignees to review pursuant to the procedures set forth in DCMR Sec. 1703 et. seq.

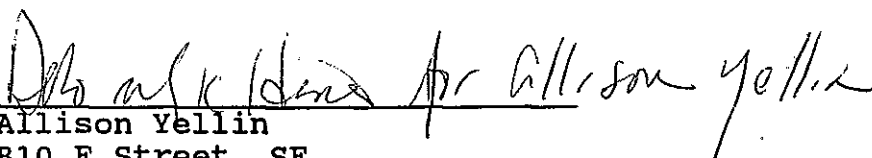
The undersigned owners agree that the above conditions will become a part of their license to distribute alcoholic beverages and will apply to any subsequent transfer of the license.


Deborah K. Hines
806 E Street, S.E.
Washington, DC


Richard Doty
808 E Street, SE
Washington, DC


Margaret D'Ambrosio
808 E Street, SE
Washington, DC


Herbert Lehner


Allison Yellin
810 E Street, SE
Washington, DC

Date: 12/11/97